UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.656
9 February 2001

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 656th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 27 September 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Colombia (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-44700 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Colombia (continued) (CRC/C/70/Add.5; CRC/C/Q/COL/2 (list of issues); written reply of Colombia to the Committee's questions (document without a symbol distributed at the meeting in Spanish and English))

1. At the invitation of the Chairperson, the members of the delegation of Colombia resumed places at the Committee table.

2. Ms. EL GUINDI asked whether measures were being taken to facilitate the registration of children at birth, as there were approximately 5 million children who had reportedly not been registered. What action did the Government intend to take in order to reduce the disparities between urban and rural areas, in particular concerning mortality and malnutrition, which were higher in rural areas?

3. Mr. RABAH asked whether non-governmental organizations (NGOs) had been involved in drafting the country's report and whether the Convention was disseminated to minority groups and in isolated mountain regions. In what ways did the Government combat child labour, and how was it attempting to reduce the school drop-out rate: about half of primary school children dropped out in order to work in the fields, including coca plantations, where their health was seriously jeopardized. Lastly, was the Government working with NGOs which defended children's rights?

4. Ms. TIGERSTEDT-TÄHTELÄ requested information on the financing of the Colombian Family Welfare Institute (ICBF).

5. Mr. FULCI noted that the Colombian Government and the Revolutionary Armed Forces of Colombia (FARC) had undertaken a commitment with the Special Representative of the United Nations Secretary-General to give high priority in the peace process to meeting the needs of children and to their protection. In addition, the Government had promised to cease enlisting children under the age of 18, and FARC had committed itself to ending the recruitment and use of children under 15. FARC had apparently not kept its promise; it would be interesting to know whether that had had any consequences on the work of the special tripartite team comprising representatives of the Government, the United Nations and FARC, which had the task of responding to urgent humanitarian needs, especially those of women and children in the demilitarized zone.

6. He inquired about the situation of black and indigenous Colombians, who apparently were more affected by the violence and encountered more difficulties in gaining access to health and educational services than the rest of the population.

7. Mr. URRUTIA (Colombia) said that in 2001 the National Family Welfare System (SNBF) would have a budget of $543 million, $450 million of which would come from an additional levy of 3 per cent on wages, $75 million from family allowance funds and $18 million

from the State budget. In addition, the municipalities would make a contribution amounting to some $5 million. Measures were being taken to overcome inequality in access to health care between rural and urban areas.

8. As part of its peace policy ("Haz Paz"), the Government was making serious efforts to prevent the violence that occurred on a daily basis and assist its victims. It was also making considerable efforts to punish the perpetrators of organized violence. At the same time, it was taking action, with the help of judges, the Office of the Ombudsman and the entire judiciary, to foster a culture of human rights so as to prevent violence.

9. Colombia had some 82,000 community shelters which provided protection, care and food to nearly 1.5 million children each year. Efforts were currently under way to increase the income of the mothers who managed the shelters, to improve facilities and to provide training for the mothers, some of whom had not even finished primary school.

10. Working with NGOs, the State provided emergency assistance for 90 days to recently displaced people. Once registered, they received a document entitling them to various services: food, housing, health services and children's education. If such persons were unable to return to their homes by the end of the 90 days, for example because the homes were located in conflict zones, they were resettled permanently. Resettlement programmes included two main themes: access to health services, education and the early childhood protection system, and the initiation of work activities with the help of NGOs. Furthermore, with support from the United Nations Children's Fund (UNICEF), the Ministry of Culture and various NGOs, programmes were carried out to assist displaced persons, particularly children, in restoring their psychological balance and overcoming the trauma of displacement.

11. Any revision of the legislation on children or reorganization of the National Family Welfare System (SNBF) took into account the recommendations of the Office of the Procurator General of the Nation, in particular its Division for the Protection of Minors and the Family. In 1988 an attempt at legislative reform had failed because the Government had tried to rush it through; to avoid such situations it currently restricted itself to creating favourable conditions for such a reform, which should be the result of discussions in civil society and consultation with all the personnel concerned.

12. Concerning minors in conflict with the law, it must be acknowledged that the Family Ombudsman, who was responsible for helping juvenile offenders, could be subject to pressure from his parent body, ICBF, and therefore ran the risk of being both judge and judged. It was necessary to reform the system of criminal responsibility by separating judicial measures from administrative protection measures, which were within the province of the executive branch.

13. While the Government had abided by its commitment to cease enlistment of persons under 18, FARC was indeed continuing to enlist children under 15. Recently, the UNICEF permanent representative in Colombia and Venezuela had asked FARC to respect its commitments. There was no doubt that rebel groups and NGOs must be involved in the preparation and implementation of a demobilization plan.

14. Registration of children at birth had not yet gained acceptance in Colombia, which was why an extensive information campaign had been launched to encourage parents to register their children. Whenever a child began to receive a State service, such as schooling or health care, the staff involved checked to see whether the child had been registered, and, if not, asked the parents to do so.

15. To combat marginalization in isolated rural areas, the Government had set up a National Food and Nutrition Plan. Its aim was to achieve food security, not by distributing food free of charge but by teaching the people how to grow certain highly nutritious indigenous plants such as beans and quinoa.

16. While the advisory role of NGOs had so far been extremely limited, the Government intended to begin involving them in the organization, supervision and assessment of social programmes. The corruption and political interests which blocked the implementation of programmes should thus give way to transparency.

17. The Government considered the use of children in producing illegal crops to be one of the worst forms of child labour. The National Plan for the Development of Alternative Crops was aimed at fostering sources of income other than illegal crops in the most affected areas, thus ensuring children's development and enabling them to reintegrate into the education system.

18. Colombia attached a great deal of importance to respect for the child's opinion. Children were involved in the bimonthly review of the activities of ICBF, and during a meeting in 1999 held under the auspices of the Council of Ministers, some 150 young Colombians had expressed their concerns to the Government and had indicated what they would like to see change in the next 10 years.

19. The Government had also set up a programme under which mothers chosen at the community level pledged, in exchange for a monthly allowance to cover their children's food needs and tuition, to keep their children in school, consult the health services regularly and follow their advice, and take part in monthly training sessions on various subjects, such as food safety. In order to reduce the drop-out rate among girls, the Government was considering granting increased allowances to families in which girls continued their education after primary school rather than seek work.

20. Although black Colombians had been the first to be affected by population displacement, it now affected all Colombians regardless of ethnic background or social status. The Social Solidarity Network distributed resources on the basis of demographic statistics, and gave preference to the most vulnerable groups, including ethnic minorities, children and the elderly. The Colombian Constitution granted more rights to indigenous populations than the rest of the population. Any draft legislation must be submitted to indigenous groups for their opinion. The submission of the draft legislation on children to those communities had in fact created certain difficulties, as they tended, due to their culture, to be unaware of a number of children's rights and did not appear to find the draft legislation acceptable. The Government therefore intended to begin negotiations with those communities.

21. Ms. RILANTONO noted with satisfaction that a national health insurance scheme had been put in place. Given that not all births were registered, she asked what percentage of the population was covered by the scheme. Although the health insurance programme had been decentralized, according to the World Health Organization (WHO) major disparities in access to health care persisted among the regions, and it would be of interest to receive more information in that regard. According to WHO, teenagers had limited access to reproductive health services, and the abortion rate among very young girls was high; that was a serious public health problem and she asked what the Government was doing to address it. While Colombia had acceded to the International Code of Marketing of Breast-Milk Substitutes, many products of that kind were apparently being reintroduced into the country; she would appreciate further information in that connection.

22. Ms. MOKHUANE, noting that the suicide rate among children under 15 was very high, asked whether the Government had set up a suicide prevention programme. What solutions were available to teenagers in the event of undesired pregnancies, particularly pregnancies resulting from rape, as abortion was illegal? What measures had the Government taken to combat drug addiction, and had it set up follow-up and evaluation mechanisms to determine whether they had had an effect? Lastly, how were services for handicapped children coordinated?

23. Mr. RABAH asked how the rehabilitation centres for children in conflict with the law operated and whether they were akin to detention centres. He would also like to know whether Colombia had established a legal aid system, whether juvenile offenders were counselled by social workers between the commission of the offence and the trial and whether training seminars were held for lawyers, policemen, judges and social workers. Lastly, were there any separate detention centres for girls, and did they have a rehabilitation programme to foster their integration into society?

24. Mr. DOEK asked what programmes the Government had set up since 1995 to assist abused and neglected children, of whom there were reportedly some 800,000. According to ICBF statistics, there was a serious shortage of space in institutions caring for children and teenagers without families and for those who were at risk, or who had been victims, of sexual abuse. More information on abandoned and neglected children placed in rehabilitation centres, most of which were closed centres, would be welcome, as such children were not offenders and it had to be asked whether they deserved such treatment. A survey carried out in Colombian institutions in 1990 had shown that the procedure for returning children to their families was seriously flawed, as the families' lawyers apparently did not observe administrative procedures, thus delaying the settlement of such cases. What measures was the Colombian Government taking to correct that situation?

25. There were also serious deficiencies in the juvenile prison system: apart from overcrowding, there were also flagrant violations of human rights, such as ill-treatment and sexual abuse against minors. The "reflection rooms" were clearly comparable to solitary confinement blocks where children languished in dark, wet cells without toilets. The Colombian Government should take action to correct that situation, as the treatment inflicted on children in those institutions could be qualified as cruel and degrading. It would also be useful to have further information on the situation of disabled children in institutions.

26. Ms. KARP asked whether there were any plans to allocate resources to the NGOs which had been given new responsibilities by the Government. Did the Colombian Constitution recognize the right of children to be heard in any judicial or administrative procedures which affected them? Concerning juvenile justice, she asked whether the Government had planned to appropriate funds for the construction of new establishments. Had awareness campaigns been carried out to encourage parents to refrain from corporal punishment? Was there a law prohibiting trafficking in persons for prostitution or other reaons? Lastly, why did certain provisions of the new Penal Code which addressed sexual abuse specifically refer to the state of emergency and to the armed conflict?

27. Ms. TIGERSTEDT-TÄHTELÄ noted that according to the press, 25 per cent of the resources allocated to Plan Colombia had been devoted to development activities, including human rights, while 75 per cent was used to bolster the military's activities against the guerrillas and drug traffickers. How did that plan, which received international assistance, fit into the peace process?

28. Mr. URRUTIA said that children under one year old had access to health care under the national social security system with no documentation required. Regional disparities in access to health care were to a great extent the result of the decentralization process, which nonetheless must continue. Various measures had been taken, however, to correct for inequalities resulting from poor resource management in certain regions. The Government hoped to achieve its objective of comprehensive health coverage of the population by 2002 despite the difficulty in gaining access to the areas of armed conflict.

29. While no specific mechanism ensured access for teenagers to specialized reproductive health services, progress had been made in that field. Currently, 99.5 per cent of women were aware of contraceptive techniques, and 77 per cent used them. Certain population groups remained poorly informed, however, and teenage pregnancy and the propagation of sexually transmittable diseases were serious problems. Efforts were currently under way to create special programmes to deal with them. Reproductive health centres designed specifically for young people had been set up in cooperation with Profamilia. In order to limit the number of illegal abortions, measures had been taken to provide services for pregnant teenagers, to help them carry their children to term in proper conditions. Family planning centres encouraged implantation of intra-uterine devices immediately after delivery. Protection of pregnant teenagers was all the more important as early pregnancies involved greater risks, which explained the increase in maternal mortality in the country. The younger the mother, the more she would be marginalized and would encounter difficulties in obtaining obstetric care. Some provisions had been made to remedy that situation, but prevention activities were still inadequate.

30. ICBF's efforts to prevent suicide by minors focused on the provision of psychological assistance for children in difficulty.

31. The Act on violence within the family and the "Haz Paz" programme made it possible to provide better care for victims of sexual abuse and for sexual offenders. Specialized centres which received complaints of sexual abuse had been set up in several cities. Each centre worked with a judge, a doctor and a multidisciplinary team comprising a family ombudsman, a

psychologist and a social worker, which immediately began the process of psychological and social reintegration of the victim. When the case was brought before a court, the judge had to accept a complaint filed with a centre as evidence, thus obviating the need for the child to testify a second time. The case of the perpetrator too was immediately taken up with a view to reintegration, without prejudice to the course of the judicial proceedings and the penalties incurred.

32. The measures and the results listed in the table in paragraph 204 of the report described only one aspect of the State's work. Protecting victims was not enough. Therefore, some programmes, such as "Haz Paz" emphasized prevention, and the amount earmarked to activities to reduce the number and frequency of ill-treatment and sexual abuse had increased.

33. Significant improvements had been made to the juvenile justice system, in particular with the appointment of family judges and the establishment of family commissions. The most innovative measure had been the adoption of the self-evaluation and quality standards protection programme. However, the penal system was still not in conformity with the provisions of the Convention, as the so-called special protection measures for juvenile offenders in reality deprived them of their liberty. To solve that problem, it would be necessary to revise the Code to remove judicial functions from the purview of the family ombudsmen, so that they would cease to be both judge and judged. A Constitutional Court judgement provided that all children had the right to be assisted by a public defender (who would thus be independent of ICBF), failing which any judgement would be set aside on procedural grounds.

34. Girl and boy offenders were placed in separate detention centres, but there were not yet any police stations specifically for children. When arrested juvenile defendants were brought to the police station, unless the offence was a minor one, in which case the police generally took the offender to a special accommodation centre. The possibility was currently under consideration of bringing arrested children directly to such centres rather than to police stations, where they were sometimes held for more than the eight hours authorized by the regulations.

35. The public call for tenders that was to be issued in December 2000 with a view to concluding contracts with children's institutions included aspects of the self-evaluation and quality standards protection programme as the most important criterion was not the number of places available but the number of children protected. Similarly, the institutions in question would not be evaluated on the basis of the length of stay of each child, but on the basis of the quality of care and services. When considering the statistics, it should be kept in mind that the same place might be occupied by several children in the course of a year. Such turnover was heavier in foster families than in child welfare institutions because placement of children was more lucrative for the latter, which therefore had an interest in making each child's stay last as long as possible. Measures must be taken to ensure that child welfare did not become a business. The increase in the overall number of places was an achievement from the protection point of view but it also reflected the inadequacy of preventive measures. The aim should be to reduce demand for places. In addition, there had been unjustifiably long administrative delays in some cases, which was unacceptable. That was why the standards for the evaluation of family ombudsmen had been set on the basis of the time required to solve each case.

36. Under the call for tenders system, 90 per cent of the funds allocated to Child Welfare was channelled through NGOs, and most of the SNBF budget was earmarked at the end of the year for the following year. Efforts were being made to make that system more flexible so as to accommodate new proposals by NGOs, which also wanted access to those funds. The relationship between the State and NGOs was a strategic one and was not in the least paternalistic: NGOs needed funding and the Government needed their work.

37. It was not easy to evaluate precisely the amount of resources needed for the demobilization of children, as the extent of the problem was still unknown. According to current estimates, about 6,000 children were combatants, but how could the cost of their reintegration be assessed? Every year, $4 million was allocated for child victims of the armed conflict, including children who had been demobilized. The Government and NGOs had begun consideration of the problem of demobilization, but had not yet decided how to go about it in concrete terms.

38. Participation of children was a complex subject. Since the signing of the Convention, children's participation had been called for on numerous occasions, but at times in a manipulative way. Participation must first and foremost be something the children themselves wanted. The goal for adults was to learn to listen. The Network of Cultural Organizations for Children (ROCIN) established four years earlier, had had the most success. In December 2000 a cultural summit for children would be held on the topic of peace. One hundred and fifty children would be able to hold constructive discussions with adults and take part in local peace activities. One of the criteria applied to schools in the recently-adopted quality standards was participation by children.

39. Corporal punishment was criminalized under Act No. 509 of 1999. The State had taken measures against corporal punishment in school by setting up a complaints mechanism. In cases of family violence, conciliation was often preferable to prison sentences, because it was educational and did not deprive children of the care and attention they needed. Parents continued to resort to corporal punishment because they believed it was an effective means of correcting a child's behaviour so that he or she would become a socially-accepted adult. In such a context prohibition would not suffice, and efforts should aim at changing attitudes. The Government had therefore launched an awareness campaign to make parents understand that corporal punishment was not part of a good upbringing, and that it was more effective to help children become aware of their responsibilities and correct their mistakes.. As part of that campaign, launched in early 2000, a message calling on the population to report cases of abuse was broadcast daily on all television stations. In addition, a hotline was in operation around the clock to receive calls from women and children who were victims of abuse. While police intervention could be requested, the hotline's main purpose was to provide immediate psychological support.

40. Colombia had adopted domestic laws against trafficking in persons, and had signed all the international instruments on the subject. Congress was currently considering ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

41. Plan Colombia had been misunderstood by the international community. It did not consist of assistance exclusively from the United States for Colombia, but was a system of

foreign aid administered by the Peace Investment Fund, to which Colombians had themselves contributed through special taxes. Three quarters of the funds were earmarked for replacement and eradication of illegal crops, and one quarter was used to finance social services.

42. Neighbouring States had expressed concern about the consequences that Plan Colombia might have for them, especially concerning the transfer of drug production, hence of guerrilla activities to their territories. The Colombian Government had assured those States that the eradication of illegal crops in south-eastern Colombia would be accompanied by measures to lessen possible negative impact.

43. Faced with an alarming increase in the consumption of drugs in Colombia, the Government had launched a programme to coordinate the work of all public bodies working in the area of prevention and treatment of drug addiction. One part of the programme targeted youths and street children, who were given appropriate care in specialized centres run by ICBF. Child drug addicts who had broken the law were placed in specialized treatment and reintegration institutions. With regard to prevention, an awareness campaign had been launched in the media and in schools to promote healthy lifestyles.

44. The State had made meeting the medical needs of disabled people one of the priorities of social security and health legislation. ICBF was under the obligation to protect disabled persons whose rights were violated by those responsible for them. In the event of abandonment, abuse or neglect, disabled children were placed in specialized institutions. Working with ICBF, an interministerial Committee regularly took stock of care programmes for disabled children in order to ensure that the children's rights were respected. ICBF also provided financial support for a home for the deaf and blind, and for training mothers in detecting certain disabilities. NGOs worked in close cooperation with ICBF to care for the disabled.

45. As part of the national food and nutrition plan, ICBF actively encouraged breastfeeding, the average duration of which was six months.

46. Ms. EL GUINDI asked whether any details had emerged about an incident reported in the media two years before, in which the Colombian police had allegedly opened fire on street children.

47. Mr. URRUTIA (Colombia) said he did not know whether the responsibility of the police had been established. In any event, for three years the police had made immense efforts to ensure that human rights were respected, and especially to help street children.

48. Mr. DOEK read out, in English, the Committee's draft concluding observations.

49. The CHAIRPERSON noted with satisfaction that Colombia had presented its periodic report on time and had ratified article 43 of the Convention and the two Optional Protocols.

The meeting rose at 6 p.m.